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December 6, 2024

BY ECF AND FACSIMILE

The Honorable Paul G. Gardephe
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Rodriguez, 22 CR 591 (PGG)

Dear Judge Gardephe:

We write on behalf of our client, Emilio Rodriguez, jointly with the Government, to respectfully request that Your Honor adjourn the December 12, 2024 Violation of Supervised Release conference. We have conferred with counsel for the Government and Probation, who concur with the requested adjournment, and, if convenient for the court, request a conference on January 27, 2025 to accommodate Officer Francisco's schedule.

By way of background, on October 26, 2023, the Probation Department issued a violation report and request for summons in connection with the defendant's violations of the conditions of his supervised release. The defendant appeared before the Court on November 7, 2023. The specifications against the defendant, as set forth in the October 26, 2023 violation report, are based primarily on: (1) pending state charges in the Bronx in connection with an alleged assault and attempted robbery committed by the defendant on August 23, 2023 (the "Bronx State Case"); and (2) an outstanding warrant for the defendant's arrest in Hillsborough, New Jersey, in connection with allegations that the defendant violated an order of protection (the "New Jersey Warrant").

Mr. Rodriguez was sentenced to time served and paid a \$227 fine in resolution of the New Jersey Warrant. While several of the pending charges that underly the Bronx State Case were dismissed in April 2024, several of the charges, which are the basis of the specifications against the defendant, remained pending. After multiple appearances and adjournments in that matter, Mr. Rodriguez appeared in court on December 5, 2024. Following a conversation between Officer Francisco and Mr. Rodriguez's lawyer in the Bronx State case, it is our collective understanding that Mr. Rodriguez's case has been adjourned to January 3, 2025, on which date his case will be formally dismissed and sealed.

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To date, Mr. Rodriguez has remained in compliance with his original conditions of supervised release and the modified conditions Your Honor imposed on November 7, 2023.¹ He has also been diligent in appearing for his court appearances in the Bronx State Case and in communicating with Officer Francisco.

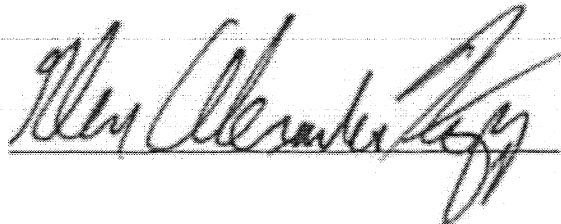
Mr. Rodriguez's supervised release was set to terminate on or about October 21, 2024, before the Bronx State Case was resolved. Therefore, Officer Francisco and the Government requested an extension of Mr. Rodriguez's supervision until the pending specifications associated with the Bronx State Case were resolved. Mr. Rodriguez consented to this extension, with the request that supervision not extend beyond the earlier of the resolution of his specifications, or December 15, 2024. Given the upcoming resolution of the underlying Bronx State Case, Mr. Rodriguez now consents to an extension of his supervision through the date of his next appearance before Your Honor, at which point we are hopeful this case may be resolved.

To allow for the formal resolution of the Bronx State Case, jointly with counsel for the Government, we respectfully request an adjournment of the December 12, 2024 conference to a date convenient to the Court, preferably January 27, 2025. Further, jointly with counsel for the Government, we respectfully request that Mr. Rodriguez's supervision under the current conditions be extended to the date of his next appearance before Your Honor.

¹ In July 2024, Mr. Rodriguez was briefly taken into custody in the Bronx when he was found in the driver's seat of a parked car without a license or proper paperwork. Mr. Rodriguez intends to plead not guilty to the charge when he is scheduled to appear in court in September.

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Respectfully submitted,

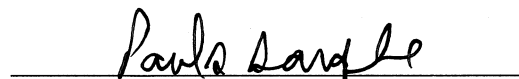
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Glen A. Kopp
Partner

cc: Georgia Kostopoulos, Esq. (by email)

The hearing is adjourned to January 27, 2025, at 12:30 p.m.

So Ordered:

A handwritten signature in black ink, appearing to read "Paul G. Gardephe", written over a horizontal line.
PAUL G. GARDEPHE
UNITED STATES DISTRICT JUDGE